

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACK KANANIAN, EXECUTOR OF ESTATE OF HARRY KANANIAN,)	CASE NO.:
)	
Plaintiff,)	JUDGE
)	
v.)	
)	<u>PETITION FOR REMOVAL</u>
BRAYTON PURCELL, LLP, <i>et al.</i>,)	
)	
Defendants.)	<u>JURY DEMAND ENDORSED HEREON</u>

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

Defendant Early, Ludwick & Sweeney, L.L.C. ("ELS"), by and through undersigned counsel, pursuant to 28 U.S.C. § 1441, as amended, hereby gives notice of removal of this action to the United States District Court for the Northern District of Ohio. (Ex. 1). As grounds for this removal, ELS states as follows:

1. Plaintiff Jack Kananian as Executor of the Estate of Harry Kananian ("Plaintiff"), filed an original Complaint against ELS and other Defendants on October 3, 2007 in the Court of Common Pleas, Cuyahoga County, Ohio, styled Jack Kananian, Executor Of Estate Of Harry Kananian, v. Brayton Purcell, LLP, *et al.*, Case No. 2007-CV-637691. (Ex. 2).

2. ELS was served with Plaintiff's Complaint on or about October 12, 2007.

3. True and correct copies of all process, pleadings, and orders on file with the Clerk of the Court of Common Pleas, Cuyahoga County, Ohio, are attached hereto and incorporated herein by reference. (Ex. 2).

4. This Petition for Removal of this case to the United States District Court is filed by ELS within thirty (30) days after the receipt by ELS, through service or otherwise, of a copy of the initial pleading setting forth the claims for relief upon which this action is based. *See* 28 U.S.C. § 1446(b). Further, this Petition for Removal is filed within one (1) year from commencement of the state court action and, therefore, is timely under 28 U.S.C. § 1446(b).

5. This case is removable under 28 U.S.C. § 1441 because this United States District Court has original jurisdiction of this case under 28 U.S.C. § 1332(a), as amended. Section 1332 (a) provides, in pertinent part:

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between-

(1) citizens of different states

6. Plaintiff is a citizen of the State of Ohio.

7. ELS is a Defendant in this action and is not a citizen of the State of Ohio, but rather an entity organized and existing under the laws of the State of Connecticut, with its principal place of business in the State of Connecticut. *See* 28 U.S.C. §§ 1332(a)(1), 1441(b).

8. In accordance with 28 U.S.C. § 1446(b), ELS shall obtain consent for the present Petition for Removal from Brayton Purcell, LLP and Christopher E. Andreas in the event proper service is obtained.

9. Upon information and belief, the amount in controversy in this matter exceeds the sum or value sufficient to invoke the jurisdiction of this Court (\$75,000.00), exclusive of interest and costs.

10. Thus, diversity principles bring this case properly before this Court.

11. Written notice of the removal of this action has been given simultaneously herewith to Plaintiff's counsel.

WHEREFORE, Defendant Early, Ludwick, & Sweeney, L.L.C. prays that the Court of Common Pleas, Cuyahoga County, Ohio, proceed no further with Case Number 2007-CV-637691, and that said action be removed from the Court of Common Pleas, Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio.

JURY DEMAND

Defendant Early Ludwick & Sweeney, L.L.C. demands a trial by the maximum number of jurors allowed by law.

Respectfully submitted,

/s/ Jason D. Winter

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PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was filed via was filed electronically this 16th day of **October, 2007**. Notice of this filing will be sent to Parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system;

and via First Class U.S. Mail upon:

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/s/ Jason D. Winter

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